

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: ISLAND VIEW CROSSING II, L.P.	:	Chapter 11
Debtor	:	
	:	Bankruptcy No. 17-14454 (ELF)
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KEVIN O'HALLORAN, in his capacity as	:	
Chapter 11 Trustee for ISLAND VIEW	:	
CROSSING II, L.P., et al.	:	
Plaintiffs	:	
	:	Adversary No. 17-00202 (ELF)
v.	:	
	:	Adversary No. 18-00280 (ELF)
PRUDENTIAL SAVINGS BANK	:	
Defendant	:	
	:	

**MOTION OF COUNSEL FOR NON-PARTY, RENATO J. GUALTIERI TO
WITHDRAW APPEARANCE**

Movant, High Swartz LLP, (the “Firm”), respectfully moves this Honorable Court for leave to withdraw as counsel for Non-party, Renato J. Gualtieri, (“Gualtieri”) for the following reasons:

I. BACKGROUND

1. Gualtieri is a principal equity holder in Island View Crossing II, L.P., (“IVC”), Debtor in the above captioned bankruptcy proceeding.

2. IVC is under the management control of Kevin O'Halloran in his capacity as the Chapter 11 Trustee, (the "Trustee"). Gualtieri currently does not have any managerial responsibilities for IVC.

3. The Trustee filed the above-captioned adversary claim, (the “Adversary Claim”), against Prudential Savings Bank, (“PSB”), a creditor to IVC in the bankruptcy action.

4. The Adversary Claim involves complex questions of fact and law surrounding the possible avoidance of PSB's claims against the IVC bankruptcy estate, and possible liability of PSB to IVC for its actions as a lender to IVC.

5. As the adversary suit proceeded, IVC's previous counsel, Stradley Ronon, and counsel for the Trustee, Kaffman, Coren & Ress, produced tens of thousands of pages of documents responsive to PSB's discovery requests.

6. In addition, PSB, by and through its counsel filed a subpoena upon Gualtieri, who had been in custody and control of IVC records while he was a member of its management.

7. Gualtieri purportedly failed to respond adequately the PSB's subpoena, and PSB filed a Motion for Sanctions against Gualtieri.

8. Gualtieri engaged the Firm, to represent him regarding the Motion for Sanctions, and the Firm filed a reply on his behalf on November 8, 2019.

9. The Firm, counsel for the Trustee and counsel for PSB collaborated and narrowed the scope of PSB's subpoena to Gualtieri.

10. As a result of the Firm's representation of Gualtieri in the Motion for Sanctions, PSB has agreed to withdrawal it Motion for Sanctions against Gualtieri without prejudice.

11. Gualtieri remains an important witness in the Adversary Claim, and is represented by alternate counsel with regard to his testimony.

II. MOTION FOR LEAVE TO WITHDRAW

12. By virtue of the withdrawal of PSB's Motion for Sanctions, the Firm has completed its duties to Gualtieri with regard to the Adversary Claim.

13. As Gualtieri, in his personal capacity, is not a party to the Adversary Claim, the ultimate disposition of the Adversary Claim will not be delayed by the Firm withdrawing its appearance on behalf of Gualtieri.

14. Neither Gualtieri nor any party will be prejudiced by the Firm withdrawing its appearance.

15. Permitting the Firm to withdrawal will eliminate a potentially unreasonable financial burden to accrue upon Gualtieri as the Firm will need to continue to spend time monitoring the litigation and potentially appearing at proceedings that are of potentially little value for Gualtieri, but necessary for the Firm to ensure it meets its obligations under the Rules of Professional Conduct.

WHEREFORE, Movant, High Swartz LLP, respectfully requests that this Honorable Court enter an Order granting it leave to withdraw as counsel for Non-party Renato J. Gualtieri, and granting such other relief as this Honorable Court deems just and appropriate.

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